

REMARKS

I. Preliminary Matter

As a preliminary matter, Applicant confirms that the invention of Group I was elected without traverse on August 18, 2008. Therefore, claims 4-7 of the invention of Group 2 are withdraw from consideration.

II. Claim Rejections - 35 U.S.C. § 112

Claims 1-3 and 8 are rejected under 35 U.S.C. § 112 second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claims 1 and 2 are rejected for a lack of antecedent basis. Accordingly, Applicant has amended the claims in a manner believe to overcome the rejection. Since claims 3 and 8 have been canceled, without prejudice or disclaimer, the rejection of such claims is now moot.

III. Claim Rejections - 35 U.S.C. § 103

In view of Kazutoshi and Otsuki

Claims 1, 3 and 8 are rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over Kazutoshi et al. (JP 2003-282664) in view of Otsuki et al. (US 6,090,733).

Applicant, however, hereby perfects the claim to foreign priority of Applicant's priority document JP 2003-184867 by providing a certified translation of such document herewith. The Kazutoshi reference was published on October 3, 2003, which is after the filing date of JP 2003-

184867 (i.e., June 27, 2003). Since JP 2003-184867 provides support for claim 1, Applicant submits that Kazutoshi is no longer applicable as prior art in this regard. Accordingly, the rejection of claim 1 is now moot.

Since claims 3 and 8 have been canceled, without prejudice or disclaimer, the rejections are now moot.

In view of Lu, Otsuki and Inaba

Claim 1 is rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over Lu et al. (US 5,904,778) in view of Otsuki et al. (US 6,090,733) in view of Inaba et al. (US 5,937,316).

Lu discloses a composite SiC article in which a surface layer or film of SiC is deposited via chemical vapor deposition (CVD) over a SiC substrate (Abstract). The Examiner acknowledges, however, that Lu fails to teach using non-metallic sintering aids (e.g., a non-metallic sintering agent) in the sintered SiC substrate. The Examiner therefore cites to Otsuki to cure this deficiency. The Examiner also appears to cite to Inaba in regard to the "dummy wafer" feature.

Applicant submits that one skilled in the art would not be motivated to modify Lu based on Otsuki to arrive at the claimed invention. For example, as set forth above, Lu discloses the use of a *metallic* sintering auxiliary. In the present invention, a non-metallic sintering auxiliary is used to reduce the amount of metal so that the wafer is not polluted with additional metals. When using such non-metallic sintering auxiliaries, however, large particles and a multitude of pores are formed. Thus, in the present invention, a coating film is used to cover the pores. On

the other hand, *metallic* sintering auxiliaries are typically used to specifically avoid formation of large particles and excess pores.

As set forth above, the Examiner cites to Otsuki since such reference discloses the use of a non-metallic sintering agent. Applicant submits, however, that one skilled in the art would not be motivated to use the non-metallic sintering agent of Otsuki in the configuration of Lu since such use would fundamentally alter the article of Lu in that it would result in the undesirable particle size and additional pores.

At least based on the foregoing, Applicant submits that one skilled in the art would not be motivated to modify Lu to use the non-metallic sintering agent of Otsuki. Thus, Applicant submits that claim 1 is patentable over the cited references.

In view of Lu, Otsuki and Inaba, Ebata and Horiuchi

Claims 3 and 8 are rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over Lu, Otsuki and Inaba as applied above to claim 1, in view of Ebata et al. (WO 02/071473) and further in view of Horiuchi et al. (US 2002/0151428). Since, however, claims 3 and 8 have been canceled, without prejudice or disclaimer, the rejection of such claims is now moot.

In view of Lu, Otsuki and Inaba

Claim 2 is rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over Lu, Otsuki and Inaba as applied above to claim 1. Since, however, claim 2 is dependent upon claim 1, Applicant submits that claim 2 is patentable at least by virtue of its dependency.

In view of Kazutoshi and Otsuki

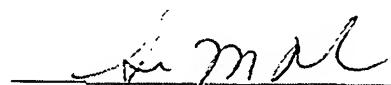
Claim 2 is rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over Kazutoshi and Otsuki, as applied above to claims 1, 3 and 8. As set forth above, Applicant has removed Kazutoshi by perfecting Applicant's claim to priority of JP 2003-184867. Since the priority document provides support for claim 2, Applicant submits that the rejection is now moot.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Allison M. Tulino
Registration No. 48,294

SUGHRIUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: March 3, 2009